

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**HUGO MUNOZ CARVAJAL,**

**Defendant.**

**8:11CR109**

## ORDER

This matter is before the court on the motion to continue by the government ([Filing No. 52](#)). The government seeks a continuance of the trial of defendant Carvajal on Count IV scheduled for October 3, 2011. Government's counsel represents that counsel for the defendant has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. The motion to continue trial ([Filing No. 52](#)) is granted.
2. Trial on Count IV in this matter is re-scheduled for **October 31, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 3, 2011 and October 31, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 8th day of September, 2011.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge